

October 31, 2003

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: Applicant(s): Vargas, Jaime; et. al.
Assignee: Cardica, Inc.
Title: Method For Cutting Tissue
Customer No.: 33109

Dear Sir:

This is a request for filing a **continuation** application under 37 CFR 1.53(b) of pending U.S. Patent Application serial no. **09/542,976**, filed on April 4, 2000 by the following named inventors:

- (a) Vargas, Jaime;
- (b) Donohoe, Brendan M.;
- (c) Anderson, Scott C.;
- (d) Bender, Theodore;
- (e) Yencho, Stephen;
- (f) Hausen, Bernard;
- (g) Hendricksen, Michael; and
- (h) Nielsen, James T.

Enclosed is a copy of the prior U.S. Patent Application serial no. 09/542,976 as originally filed on April 4, 2000, including copies of the specification and drawings. The enclosed patent application includes a new set of claims and a first page that has been revised to claim priority to the parent application and to revise the title of the application and field of the invention to be consistent with that new set of claims, in accordance with 1251 Off. Gaz. Pat. Office 54 (October 9, 2001). A copy of the executed oath or declaration as filed in U.S. Patent Application Serial No. 09/542,976 is also enclosed.

Assignment to Vascular Innovations, Inc. of U.S. Patent Application Serial No. 09/542,976 is recorded at reel 011017, frame 0981. The change of name from Vascular Innovations, Inc. to Cardica, Inc. in U.S. Patent Application Serial No. 09/542,976 is recorded at reel 013180, frame 0120.

The power of attorney in the prior application is to Brian A. Schar, Reg. No. 45,076, and Mark Meltzer, Reg. No. 28,739. Please address all communications to:

Brian A. Schar
Chief Patent Counsel
Cardica, Inc.
900 Saginaw Drive
Redwood City, California 94063

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter;
- (2) Return postcard;
- (3) Copy of U.S. Patent Application Serial No. 09/542,976 as filed, including originally-filed declaration, with revised first page and a new set of claims; and
- (4) Check no. 8565 in the amount of \$412.00.

Small entity status is hereby claimed.

The fee has been calculated as shown below:

CLAIMS

	Claims Remaining <u>After Amendment</u>		Highest No. <u>Paid For</u>		Present <u>Extra</u>		<u>Rate</u>		<u>Fee</u>
Basic Application Fee									385.00
Total Claims	23	Minus	20	=	3	x	\$9	\$	27.00
Independent Claims	3	Minus	3	=	0	x	\$43	\$	0.00
<input type="checkbox"/>	Fee of _____ for the first filing of one or more multiple dependent claims per application								\$
<input checked="" type="checkbox"/>	Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.								
<input type="checkbox"/>	Please charge our Deposit Account No. 502108 in the amount of								\$
<input checked="" type="checkbox"/>	Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.								
Total:								\$	<u>412.00</u>

Allowance of the pending claims is respectfully requested.

**Express Mail Label No.
EV302958416US**

Respectfully submitted,



Brian A. Schar
Attorney for Applicant(s)
Reg. No. 45,076
(650) 331-7162